

Remarks:

Reconsideration of the application is requested.

Claims 5 to 10 remain in the application.

The specification has been amended to include the cross-reference to related applications.

In item 4 on pages 2 to 7 of the above-identified Office action, claims 5 to 10 have been rejected as being obvious over O'Toole et al. (U.S. 5,889,856) in view of Abdelilah et al. (U.S. 6,661,837; hereinafter "Abdelilah") under 35 U.S.C. § 103.

Applicant respectfully notes that Abdelilah has a United States filing date of March 8, 1999. See 35 U.S.C. § 102(e). As set forth in the Declaration of record, the instant application is a continuation application of copending International Application Serial No. PCT/DE99/00059, filed January 14, 1999, which claims international priority of the German Application No. 198 04 591.3, filed February 5, 1998, under 35 U.S.C. § 119. Pursuant to 35 U.S.C. §§ 119, 120 and 363, applicant is entitled to the priority date of the German application. See MPEP §§ 201.13 and 1895. Thus, the instant application predates Abdelilah by more than thirteen (13)

months. Because Abdelilah was filed after the priority date of the instant application, applicant respectfully believes that the reference is unavailable as prior art.

Applicant acknowledges that perfection of priority can only be obtained by filing a certified English translation of the German priority application. See 35 U.S.C. § 119. Concurrent herewith, applicant has filed a Claim for Priority including both a certified copy of German application 198 04 591.3 and a certified English translation of same. Accordingly, applicant respectfully believes that priority has been perfected and Abdelilah is unavailable as prior art. Therefore, applicant respectfully submits that the Section 102 rejection on pages 3 to 4 of the Office action is now moot.

Applicants also respectfully believe that Abdelilah is not prior art with respect to the instant application. Abdelilah has a United States filing date of March 8, 1999. The instant application is a continuation of copending international application PCT/DE99/00059, filed January 14, 1999. Pursuant to 35 U.S.C. § 363, the instant application has a filing date of January 14, 1999, because the instant application designated the United States. This date is almost two months prior to Abdelilah's filing date. Accordingly, Abdelilah is unavailable as prior art.

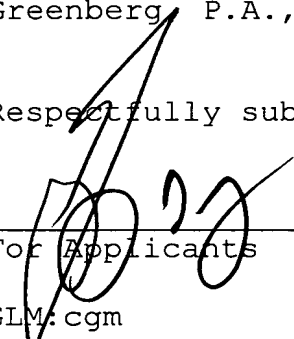
Therefore, applicants respectfully submit that the rejection in item 4 on pages 2 and 3 of the Office action under Section 103 is moot.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

GLM:cgm

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